

REMARKS

Claims 1, 3-13, and 27 are pending. Claims 1, 6, 7, 12 and 27 have been amended. Claims 1, 7, 12, and 27 have been amended to correct grammatical errors. Claim 2 has been incorporated into claim 1 and canceled. The Examiner's allowance of claim 27 is noted with appreciation, as is the indication that claims 7-13 would be allowable if rewritten in independent form. Claim 7 has been rewritten in independent form, and claims 8-13 depend therefrom. Thus, it is respectfully submitted that, in addition to claim 27, claims 7-13 are also allowable.

Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,849,285 to Masek et al. It is respectfully submitted that claims 1-6, as presently recited, are not anticipated by Masek.

With respect to claim 1, Masek fails to disclose a cartridge comprising "joining a filter member to the first type and/or second type of inner member" as presently recited in claim 1. Rather, Masek discloses fabric (13), a valve (23), and a layer of foam made from flexible plastic (30), each of which close once an extraction needle is removed and act as a barrier to coffee grounds emerging from the opening made by the needle. Masek does not disclose joining a filter member to the alleged "inner members" of Masek and therefore fails to disclose all of the features recited in claim 1.

With specific respect to claim 6, and in particular the recitation of "entraining a plurality of air bubbles," the Office Action states that "there is recited in the claim no means for performing this function." Claim 6 has been amended to recite "means for entraining a plurality of air bubbles." The corresponding structure, and equivalents thereof, disclosed in the present application for performing the recited function is not disclosed in Masek.

For all of the reasons mentioned above, the Applicants respectfully request reconsideration and allowance of all pending claims. The Examiner is invited to contact the undersigned attorney to expedite prosecution.

Application No. 10/763,908
AMENDMENT C dated September 29, 2008
Reply to the Office Action of May 29, 2008

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

Dated: September 29, 2008

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